

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:04-CR-00369-1-F
No. 5:11-CV-00777-F

CALVIN BRYANT,
 Petitioner,

 v.

UNITED STATES OF AMERICA,
 Respondent.

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ORDER

Calvin Bryant initiated this collateral action by filing a petition pursuant to 28 U.S.C. § 2241. The habeas case, case number 5:11-HC-02055-BO, was assigned to United States District Judge Terrence W. Boyle. Judge Boyle issued an order therein [DE-10] pursuant to *Castro v. United States*, 540 U.S. 375 (2003), notifying Bryant of his opportunity to object within a stated time to re-characterization of the habeas motion to a motion to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255, in light of the allegations in his petition. When Bryant failed to respond to that order in a timely manner, Judge Boyle converted the § 2241 petition to one pursuant to 28 U.S.C. § 2255. [DE-11]. The matter was then reassigned to the undersigned, the judge who presided over Bryant's above-captioned criminal case. On July 26, 2012, Bryant filed an Amended Motion to Vacate pursuant to 28 U.S.C. § 2255 [DE-71].

Bryant's pro se motion and amended motion do not substantially follow the form appended to the Rules Governing § 2255 Proceedings and therefore are not in compliance with Rule 2(c) of the Rules Governing § 2255 Proceedings and Local Civil Rule 81.2 of this court. The Clerk is DIRECTED to send a copy of the appropriate form to Bryant. Bryant must

complete the form in its entirety, sign it under penalty of perjury (or a person authorized by Bryant, such as an attorney, may sign it) and file the original with the Clerk of this court.

Bryant is DIRECTED to return the form, in accordance with these instructions, within fourteen (14) days from the filing of this order. Failure to do so may result in the dismissal of this action or the striking of the motion.


Send the original of the corrected § 2255 form to:

Clerk of Court
United States District Court, E.D.N.C.
ATTN: Prisoner Litigation Division
P.O. Box 25670
Raleigh, North Carolina 27611

A copy of the completed § 2255 motion will be forwarded to the United States Attorney.
Although compliance with this order is required before the court will consider the motion, Bryant is advised that compliance will not guarantee he will receive any relief.

SO ORDERED.

This, the 7th day of February, 2013.



JAMES C. FOX
Senior United States District Judge